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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,576	11/13/2001	Mark A. Reiley	1759.2570-CIP5CON	5780

7590 12/20/2005

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EXAMINER

WOO, JULIAN W

ART UNIT	PAPER NUMBER
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3731

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 11, 2005 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 23-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Scholten et al. (4,969,888). Scholten et al. disclose, in figures 21-28 and in col. 5, lines 43-58 and col. 7, line 26 to col. 8, line 45, a method for treating a bone, where the method includes selecting for treatment a bone (a vertebral body) including a fracture region defined by cortical bone surfaces that have collapsed upon themselves to displace away from a desired anatomic orientation another region of the bone remote from the fracture region (e.g., the upper and lower regions or superior and inferior regions of the vertebral body), deploying an

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expandable body (76) at the distal end of an elongated body (77) and enlarging the expandable body into an enlarged condition into an enlarged condition within the fracture region to move the collapsed cortical bone surfaces in the fracture region apart to move the collapsed cortical bone in the fracture region apart to move the other region of the bone toward the desired anatomic orientation (see fig. 28), where the expandable body is deployed in a collapsed condition through a percutaneous access path (at 30), and where the expandable body is enlarged or inflated by fluid pressure (a contrast medium).

Response to Amendment

4. Scholten et al. (4,969,888) does teach or suggest the method as claimed. See the rejection above.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian W. Woo whose telephone number is (571) 272-4707. The examiner can normally be reached Mon.-Fri., 7:00 AM to 3:00 PM Eastern Time, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anh Tuan Nguyen can be reached on (571) 272-4963. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public

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PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, reading "Julian W. Woo". The signature is written in a cursive, flowing style.

Julian W. Woo
Primary Examiner

December 13, 2005